

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: SITAGLIPTIN PATENT LITIGATION	MDL No. 19-2902-RGA
MERCK SHARP & DOHME CORP.,  <i>Plaintiff,</i>  v.  ALVOGEN PINE BROOK LLC F/K/A ALVOGEN PINE BROOK, INC., ALVOGEN MALTA OPERATIONS LTD.,  <i>Defendants.</i>	C.A. No. 19-310-RGA
MERCK SHARP & DOHME CORP.,  <i>Plaintiff,</i>  v.  ANCHEM PHARMACEUTICALS, INC., and PAR PHARMACEUTICAL, INC.,  <i>Defendants.</i>	C.A. No. 19-311-RGA
MERCK SHARP & DOHME CORP.,  <i>Plaintiff,</i>  v.  SANDOZ INC.,  <i>Defendant.</i>	C.A. No. 19-312-RGA

<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  APOTEX INC., and APOTEX CORP.,  <i>Defendants.</i></p>	<p>C.A. No. 19-313-RGA</p>
<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  ZYDUS PHARMACEUTICALS (USA) INC. and CADILA HEALTHCARE LTD.,  <i>Defendants.</i></p>	<p>C.A. No. 19-314-RGA</p>
<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  WATSON LABORATORIES, INC., and TEVA PHARMACEUTICALS USA, INC.,  <i>Defendants.</i></p>	<p>C.A. No. 19-317-RGA</p>
<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  TEVA PHARMACEUTICALS USA, INC.,  <i>Defendant.</i></p>	<p>C.A. No. 19-318-RGA</p>

<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  SUN PHARMACEUTICAL INDUSTRIES LTD.,  <i>Defendant.</i></p>	C.A. No. 19-319-RGA
<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  LUPIN LIMITED, and LUPIN PHARMACEUTICALS, INC.,  <i>Defendants.</i></p>	C.A. No. 19-347-RGA
<p>MERCK SHARP &amp; DOHME CORP.,  <i>Plaintiff,</i>  v.  MYLAN PHARMACEUTICALS INC.,  <i>Defendants.</i></p>	C.A. No. 19-1489-RGA

**STIPULATION AND ORDER**

WHEREAS, the parties have served their opening, answering and reply briefs relating to claim construction, pursuant to the Scheduling Order (D.I. 13, ¶ 8);

WHEREAS, Plaintiff's opening claim construction brief did not address whether the "absorption band" claim term was a mistake;

WHEREAS, the parties dispute whether Plaintiff or Defendants first raised the issue of whether the “absorption band” claim term was a mistake, and whether Plaintiff was entitled to address this argument in its reply brief; and

WHEREAS, in an effort to avoid raising a dispute with the Court, the parties met and conferred and agreed, subject to the approval of the Court, that Defendants would be permitted one additional page (*i.e.*, 250 words per the Court’s Standing Order Regarding Briefing in All Cases, dated Dec. 19, 2019) for their sur-reply claim construction brief solely to address the mistake issue.

IT IS HEREBY STIPULATED AND AGREED by and among the parties, subject to the approval of the Court, that the length of Defendants’ sur-reply claim construction is extended by 250 words, to be used solely to address the mistake issue.

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Dated: June 26, 2020

IT IS SO ORDERED this 29 day of June, 2020.

/s/ Richard G. Andrews

UNITED STATES DISTRICT JUDGE